

11 HARRIS L. WINNS,

12 Plaintiff,

13 v.

14 EXELA ENTERPRISE SOLUTIONS INC,

15 Defendant.

16 Case No. 20-cv-06762-LB

17 **ORDER DENYING MOTION TO**
APPOINT PRO BONO COUNSEL

18 Re: ECF No. 3

19 Plaintiff Harris L. Winns, who is representing himself, asked the court to appoint him
20 counsel.¹ “Generally, a person has no right to counsel in civil actions.” *Palmer v. Valdez*, 560 F.3d
21 965, 970 (9th Cir. 2009) (citing *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981)).
22 “However, a court may under ‘exceptional circumstances’ appoint counsel for indigent civil
23 litigants pursuant to 28 U.S.C. § 1915(e)(1).” *Id.* (citing *Agyeman v. Corrs. Corp. of Am.*, 390 F.3d
24 1101, 1103 (9th Cir. 2004)). “When determining whether ‘exceptional circumstances’ exist, a
25 court must consider ‘the likelihood of success on the merits as well as the ability of the petitioner
to articulate his claims pro se in light of the complexity of the legal issues involved.’” *Id.* (quoting
Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)). “Neither of these considerations is

26
27
28 ¹ Mot. to Appoint Counsel – ECF No. 3.

1 dispositive and instead must be viewed together." *Id.* (citing *Wilborn v. Escalderon*, 789 F.2d
2 1328, 1331 (9th Cir. 1986)).

3 On this record, the court does not appoint pro bono counsel. The court separately gave the
4 plaintiff notice of the court's resources for litigants representing themselves, including a copy of
5 the district court's handbook *Representing Yourself in Federal Court*, and the flyer for the Legal
6 Help Center, a free service of the Volunteer Legal Services Program, which provides telephone
7 appointments with an attorney who may be able to provide basic legal help but not representation.
8

9 **IT IS SO ORDERED.**

10 Dated: October 13, 2020



11
12 LAUREL BEELER
United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28